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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,225	02/23/2000	XAVIER JOUBERT	061/088	1666

7590 12/02/2003

POLLOCK VANDE SANDE & PRIDDY
PO BOX 19088
WASHINGTON, DC 20036

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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XAVIER JOUBERT

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EXAMINER

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Commissioner for Patents

Mr. Morris Liss called the Examiner to indicate that the Office Action mailed on 07 November 2003 had a couple of deficiencies. The first one was that Office action only included claims 3, 7, 8, 10 and 12 as rejected under 103(a) while claims 3, 7-10 and 12 were indicated as being rejected in the Office Action Summary. Upon review of the Office Action, the Examiner acknowledges the Office Action indicates that claims 3, 7, 8, 10 and 12 were rejected under 103(a) since the Examiner failed to correct that claims 3, 7-10 and 12 were now been rejected under 103(a) over Tsai in view of Tracy and Wackerly. The Examiner also recognizes that the rejection mistakenly recited Einhorn as one of the references used in the rejection instead of Tsai. The period of reply of the Office Action mailed on 07 November 2003 is hereby restarted due to the nature of the deficiencies contained in the Office Action. Both parties agreed with this determination. A copy of the corrected Office Action is included with this communication.

Office Action Summary

Application No.

09/485,225

Applicant(s)

JOUBERT ET AL.

Examiner

Ruth C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,7-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,7-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 September 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 3, 7-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (USPN 5,517,735) in view of Tracy (US 4,559,677) and Wackerly (US 5,839,768).

Tsai discloses a hook (1) for a cable (12) comprising a finger grip end block (lower part of hook in Figs. 1-3 and 5) and a solid cable (12). The finger grip end block has a passage (Figs. 1-3 and 5). The solid cable is slidably resting in the passage and has a folded end secured by a crimped clip (Figs. 1-3 and 5). The passage has a circular inlet duct (lowermost portion of the lower part of hook in Figs. 1-3 and 5) through which a straightened cable section passes and an outlet duct (upper most portion of the lower part of the hook in Figures 1-3 and 5) larger than the inlet duct and receiving the folded end (Figs. 1-3 and 5). A junction is formed between the inlet and outlet ducts defining a shoulder that serves as a stop abutment for the folded end of the cable when the cable is placed in tension (Figs. 3 and 5). Tsai fails to disclose that the inlet duct flares outwardly forming an outer circular end and a rigid flat wire being used to make the hook. However, Tracy teaches a hook (10) for a cable (12) comprising a finger grip end block (24) having a passage formed therethrough (Fig. 2). A cable

slidably received in the passage (Figs. 1 and 2). The passage having an inlet end through which a straightened cable section passes and the passage further having an outlet end larger than the inlet end (Fig. 2). A rigid flat metal has an inverted J-shaped first end section facing the outlet end and the inverted J-shaped first end section serving as a hook member (Figs. 1, 2 and 4). The rigid flat metal has an opposite end section bent into a ring (22) embedded in the finger grip end block (C. 3, L. 14-20) and located in a plane generally perpendicular to the J-shaped first end section (Fig. 4) where the ring serves to reinforce the finger grip end block. The rigid flat metal is provided to give the necessary toughness to the hook (C. 4, L. 5-15) and the outer coating of thermoplastic material that also forms the finger grip end block and protects the hook deterioration by preventing exposure of the metal to the elements (C. 2, L. 18-20) and allows the hook to float (C. 1, L. 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the rigid flat metal having an outer coating of thermoplastic material forming the hook as taught by Tracy in the thermoplastic hook disclosed by Tsai. Doing so, will provide the necessary toughness to the hook while averting the deterioration of the metal used to form the hook by preventing the exposure of the metal to the elements and allowing the hook to float. With respect to having an inlet duct that is outwardly flared, Wackerly shows a cable-retaining device (10) having a plurality of passages (11,12,13,24) with an inlet duct and an outlet duct (Figs. 1-4). The plurality of passages has an outer circular end of the inlet duct being outwardly flared. Although Wackerly fails to provide an advantage derived from the outwardly one of ordinary skill in the art will acknowledge

that the flared edges are commonly used to avoid a sharp edge from contacting the cable. Hence, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have a flared edge for the inlet duct as shown in Wackerly for the hook disclosed by Tsai and modified according to Tracy because it is well known in the art to provide flared edges around the inlet or outlet ducts of a passage engaging a cable in order to avoid damaging the cable.

Tracy teaches that:

- The ring has an axis passing through a top of a curve of the J-shaped first end section (Figure 4).
- The finger grip end block has lateral recesses and projections to form a finger grip (Figures 1 and 2).
- A free end (45) of the J-shaped first end section is coated with extra injection material (C. 4, L. 3-4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ring surrounding the inlet duct in the vicinity of its junction with the outlet duct because the purpose of the ring is to reinforce the connection of the cord to the end block and by providing a stop abutment to majority of the stress will be concentrated at the junction therefore one of ordinary skill in the art will recognize that the ring should be provided at the inlet duct in the vicinity of the junction.

Tsai also discloses that the finger grip end block connects a tilting safety tongue fixed to the finger grip end block.

Response to Arguments

3. Applicant's arguments with respect to claims 3, 7-10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

British Patent Document GB 2 058 901 A (Eisler) is cited to show state of the art with respect to hooks made of injection synthetic material having a metal insert to reinforce the hook.

Maillocheau (USPN 3,749,703), Esposito et al. (USPN 5,317,788) and Brody et al. (USPN 5,682,652) are cited to show state of the art with respect to hooks made of injected material.

Oldak (US D 196,852), Tsai (US D 370,706) and Einhorn (US 4,010,794) is cited to show state of the art with respect to a hook having an inlet duct, an outlet duct and a junction in between the inlet and outlet ducts.

Anderson (US 5,159,861), Brennan (US 5,423,108), Mackal (US 5,432,983), Ida (US 5,435,044), Murai (US 5,454,140), Boden (US 5,572,770), Brody et al. (US 5,630,257), Bodkin, Sr. (US 5,642,558) and Akins et al. (US 5,735,329) are cited to

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show state of the art with respect to different device used to retain cords through a passage and the inlet or outlet ducts of the passage have outwardly flared edges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3626

RCR

rcr

November 23, 2001

J. J. Swann

J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600